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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,421	10/02/2003	Lynn A. Russell	9725-078	9990
20575	7590	09/21/2005		
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER MILLER, JONATHAN R	
			ART UNIT 3653	PAPER NUMBER

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/678,421

Applicant(s)

RUSSELL ET AL.

Examiner

Jonathan R. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5 - 17, 20-23, 25-37 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 - 17, 20-23, 25-37 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5 - 17, 20-23, 25-37 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Woodgate. The reference discloses a module (3) for screening having a unitary, single-level structure, having a frame engagement member (9), a support frame, and a plurality of posts (Fig. 1). Examiner contends that element 31 satisfies the post limitation.

3. With regards to claim 2, the reference further discloses the member and the frame mate with a portion of each of the posts by snap-fit engagement (Figs. 1 and 3).

4. With regards to claim 3, the reference further discloses the member is rectangular and a plurality of post engagement members are connected at a plurality of corners of the member for mounting on the posts (Fig. 3). Examiner contends that the disclosed posts encompass the corners, thus meeting the limitation.

5. With regards to claim 5, the reference further discloses the complementary engagement surfaces (Fig. 3).

6. With regards to claim 6, the reference further discloses the posts are joined to a mounting piece (33).

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7. With regards to claim 7, the reference further discloses the mounting piece is a rod (Fig. 3).

8. With regards to claim 8, the reference further discloses the frame engagement member's detent member (Figs. 1 and 3).

9. With regards to claim 9, the reference further discloses polymeric material (col. 1, lines 20+).

10. With regards to claim 10, the reference further discloses the locking tab (11).

11. With regards to claim 11, the reference further discloses the frame engagement member extends along inwardly facing surfaces of the frame (Fig. 4).

12. With regards to claim 12, the reference further discloses the tab engaging the frame, (Figs. 1 and 3).

13. With regards to claim 13, the reference further discloses the rectangular screening member (Fig. 1).

14. With regards to claim 14, the reference further discloses the frame engagement members with inwarding and outwarding facing sides (Fig. 1).

15. With regards to claim 15, the reference further discloses the complementary surfaces of the frame and engagement members (Figs. 1 and 3)

16. With regards to claim 16, the reference further discloses the member having a plurality of receptacles for receiving and retaining the posts (Fig. 3).

17. With regards to claim 17, the reference further discloses the frame engagement members (9).

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18. With regards to claim 20, the reference further discloses the gripping surface on an outwardly facing surface (Fig. 4).

19. With regards to claim 21, the reference further discloses a method for producing a module (3) for screening having a unitary, single-level structure, having a frame engagement member (9), a support frame, and a plurality of posts (Fig. 1). Examiner contends that element 31 satisfies the post limitation.

20. With regards to claim 22, the reference further discloses the member and the frame mate with a portion of each of the posts by snap-fit engagement (Figs. 1 and 3).

21. With regards to claim 23, the reference further discloses the member is rectangular and a plurality of post engagement members are connected at a plurality of corners of the member for mounting on the posts (Fig. 3). Examiner contends that the disclosed posts encompass the corners, thus meeting the limitation.

22. With regards to claim 25, the reference further discloses the complementary engagement surfaces (Fig. 3).

23. With regards to claim 26, the reference further discloses the posts are joined to a mounting piece (33).

24. With regards to claim 27, the reference further discloses the mounting piece is a rod (Fig. 3).

25. With regards to claim 28, the reference further discloses the frame engagement member's detent member (Figs. 1 and 3).

26. With regards to claim 29, the reference further discloses polymeric material (col. 1, lines 20+).

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27. With regards to claim 30, the reference further discloses the locking tab (11).
28. With regards to claim 31, the reference further discloses the frame engagement member extends along inwardly facing surfaces of the frame (Fig. 4).
29. With regards to claim 32, the reference further discloses the tab engaging the frame, (Figs. 1 and 3).
30. With regards to claim 33, the reference further discloses the rectangular screening member (Fig. 1).
31. With regards to claim 34, the reference further discloses the frame engagement members with inwarding and outwarding facing sides (Fig. 1).
32. With regards to claim 35, the reference further discloses the complementary surfaces of the frame and engagement members (Figs. 1 and 3).
33. With regards to claim 36, the reference further discloses the member having a plurality of receptacles for receiving and retaining the posts (Fig. 3).
34. With regards to claim 37, the reference further discloses the frame engagement members (9).
35. With regards to claim 40, the reference further discloses the gripping surface on an outwardly facing surface (Fig. 4).

### *Conclusion*

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (571) 272-6940. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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